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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Adel Portillo, et al., NO. C 08-00190 JW  
Plaintiffs,  
v.  
Nader Sarneveslit,  
Defendant.

**ORDER VACATING CASE  
MANAGEMENT CONFERENCE;  
SETTING HEARING TO SHOW CAUSE  
RE: DISMISSAL**

On January 11, 2008 Plaintiff filed a Complaint against Defendant. (Docket Item No. 1.) The Court had set a Case Management Conference for June 2, 2008 . However, Plaintiff does not appear to have served Defendant, and Plaintiff has failed to file a Case Management Statement in accordance with the Civil Local Rules. Therefore, the Court VACATES the June 2, 2008, Case Management Conference.

Since the deadline for service under Federal Rule of Civil Procedure 4(m) was May 12, 2008, the Court hereby orders Plaintiff to appear in Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose, Ca. on **June 16, 2008 at 9:00 a.m.** to show cause, if any, by actual appearance in Court, and by certification filed with the Court at least ten (10) days prior to appearance date, why this case should not be dismissed for failure to serve Defendant in accordance with Rule 4(m). The certificate shall set forth in factual summary the reason service has not been made and what steps Plaintiff is taking to pursue the action, its present status, and the expected future course of the litigation. If Plaintiff fails to file the certification on or before **June 6,**

1 **2008**, the Show Cause hearing will be vacated automatically and the case will be dismissed pursuant  
2 to Rule 4(m).

3 Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss  
4 this action.

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6 Dated: May 28, 2008  
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\_\_\_\_\_  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Adam Wang waqw@sbcglobal.net

3 **Dated: May 28, 2008**

4 **Richard W. Wieking, Clerk**

5 **By: /s/ JW Chambers**

6 **Elizabeth Garcia**

7 **Courtroom Deputy**